FILED
JAN 27 2017
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

# UNITED STATES DISTRICT COURT

for the

Northern District of California

San Francisco-Division

HSG

EDWARD COTRELLE TIDWELL,

*Plaintiff(s)*
*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-v-

CARRINGTON REAL ESTATE SERVICES (US) INC., CARRINGTON REAL ESTATE SERVICES (CA) INC., ET AL. (SEE ATTACHED LIST OF DEFENDANTS)

*Defendant(s)*
*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)*

Case No. CV17 437
*(to be filled in by the Clerk's Office)*

Jury Trial: *(check one)* ☑ Yes ☐ No

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

ACTION PURSUANT TO 28 U.S.C. § 1343 AND 42 U.S.C. § 1983; AND

(Non-Prisoner Complaint)

DECLARATORY AND INJUNCTIVE RELIEF

**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

## I. The Parties to This Complaint

### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|---|---|
| Name | EDWARD COTRELLE TIDWELL |
| Address | 5157 Roundup Way |
| | Antioch (*City*) CA (*State*) 94531 (*Zip Code*) |
| County | Contra Costa |
| Telephone Number | (510) 470-8422 |
| E-Mail Address | edwardctidwell@yahoo.com |

Edward Cotrelle Tidwell
P.O. Box 2911, Antioch, CA 94531 (Mailing Address)

### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

| | |
|---|---|
| Name | CARRINGTON REAL ESTATE SERVICES (US), LLC |
| Job or Title *(if known)* | Limited Liability Company |
| Address | 111 Pacifica, Suite 160 |
| | Irvine (*City*) CA (*State*) 92618 (*Zip Code*) |
| County | Orange |
| Telephone Number | (800) 330-2773 |
| E-Mail Address *(if known)* | Unknown |

☑ Individual capacity ☐ Official capacity

Defendant No. 2

| | |
|---|---|
| Name | CARRINGTON REAL ESTATE SERVICES (CA) INC. |
| Job or Title *(if known)* | Corporation |
| Address | 111 Pacifica, Suite 160 |
| | Irvine (*City*) CA (*State*) 92618 (*Zip Code*) |
| County | Orange |
| Telephone Number | (800) 330-2773 |
| E-Mail Address *(if known)* | Unknown |

☑ Individual capacity ☐ Official capacity

Defendant No. 3

| | |
|---|---|
| Name | State of California, Superior Court Contra Costa County, Pittsburg |
| Job or Title *(if known)* | Unknown |
| Address | 1000 Center Drive |
| | Pittsburg (*City*) CA (*State*) 94565 (*Zip Code*) |
| County | Contra Costa |
| Telephone Number | (925) 646-4099 |
| E-Mail Address *(if known)* | Unknown |

☐ Individual capacity ☑ Official capacity

Defendant No. 4

| | |
|---|---|
| Name | United States Bankruptcy Court, Northern District of California- Oakland Division |
| Job or Title *(if known)* | Unknown |
| Address | 1300 Clay Street, Suite 300 |
| | Oakland (*City*) CA (*State*) 94612 (*Zip Code*) |
| County | Alameda |
| Telephone Number | (510) 879-3600 |
| E-Mail Address *(if known)* | Unknown |

☐ Individual capacity ☑ Official capacity

(PLEASE SEE ATTACHMENT I. B. DEFENDANTS)

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)*, you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

☐ Federal officials (a *Bivens* claim)

☑ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

See Attachment II. B as to violations for "deprivation of rights, privileges, and/or immunities secured by the Constitution and [federal laws]"; please see Plaintiff's Correspondence attached hereto dated January 20, 2017 to the United States Bankruptcy Court, Northern District of California-Oakland Division Case No.: 16-04179 (WJL) re issues on for review in this District Court Case No.: 16-cv-06149 (WHA).

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Plaintiff request leave to amend his Complaint to allege said violations once Court Appointed Counsel Pursuant to 28 U.S.C. § 1915 is granted; please see Plaintiff's Correspondence attached hereto dated January 20, 2017 to the United States Bankruptcy Court, Northern District of California-Oakland Division Case No.: 16-04179 (WJL) re issues on for review in this District Court Case No.: TBA.

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Please see Attachment Re Issues On Appeal to Plaintiff's Affidavit Accompany Motion for In Forma Pauperis filed in this District Court Case No.: 16-cv-06149 (WHA) on for review, and Plaintiff's Correspondence attached hereto dated January 20, 2017 to the United States Bankruptcy Court, Northern District of California-Oakland Division Case No.: 16-04179 (WJL).

## III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Please see Attachment Re Issues On Appeal to Plaintiff's Affidavit Accompany Motion for In Forma Pauperis filed in this District Court Case No.: 16-cv-06149 (WHA), and Plaintiff's Correspondence attached hereto dated January 20, 2017 to the United States Bankruptcy Court, Northern District of California-Oakland Division Case No.: 16-04179 (WJL). Plaintiff respectfully request leave to amend his Complaint to allege other violations.

B. What date and approximate time did the events giving rise to your claim(s) occur?

Please see Attachment Re Issues On Appeal to Plaintiff's Affidavit Accompany Motion for In Forma Pauperis filed in this District Court Case No.: 16-cv-06149 (WHA), and Plaintiff's Correspondence attached hereto dated January 20, 2017 to the United States Bankruptcy Court, Northern District of California-Oakland Division Case No.: 16-04179 (WJL). Plaintiff respectfully request leave to amend his Complaint to allege other violations.

C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

Please see Attachment Re Issues On Appeal to Plaintiff's Affidavit Accompany Motion for In Forma Pauperis filed in this District Court Case No.: 16-cv-06149 (WHA), and Plaintiff's Correspondence attached hereto dated January 20, 2017 to the United States Bankruptcy Court, Northern District of California-Oakland Division Case No.: 16-04179 (WJL). Plaintiff respectfully request leave to amend his Complaint to allege other violations.

## IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Please see Attachment Re Issues On Appeal to Plaintiff's Affidavit Accompany Motion for In Forma Pauperis filed in this District Court Case No.: 16-cv-06149 (WHA), and Plaintiff's Correspondence attached hereto dated January 20, 2017 to the United States Bankruptcy Court, Northern District of California-Oakland Division Case No.: 16-04179 (WJL). Plaintiff respectfully request leave to amend his Complaint to allege other violations.

## V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Please see Attachment Re Issues On Appeal to Plaintiff's Affidavit Accompany Motion for In Forma Pauperis filed in this District Court Case No.: 16-cv-06149 (WHA), and Adversary Proceeding filed on September 12, 2016, in addition to Plaintiff's Correspondence attached hereto dated January 20, 2017 to the United States Bankruptcy Court, Northern District of California-Oakland Division Case No.: 16-04179 (WJL). Plaintiff respectfully request leave to amend his Complaint to allege other violations.

## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case–related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 01/24/2017

Signature of Plaintiff: Edward Cotrelle Tidwell

Printed Name of Plaintiff: Edward Cotrelle Tidwell, In Pro Se

### B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

*City* *State* *Zip Code*

Telephone Number

E-mail Address

# COMPLAINT FOR VIOLATIONS OF CIVIL RIGHTS

## ATTACHMENT I. B. Defendants

5. Carrington Real Estate Services (US), LLC, a Delaware Entity, is a Limited Liability Company located at 111 Pacifica, Suite 160, Irvine, California 92618 in Orange County, Telephone: (800) 330-2773, and according to the State of Delaware, Department of State: Division of Corporation File No.: 4659332 is assigned to Carrington Real Estate Services (US), LLC, and its Registered Agent for service of process is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, Telephone: (302) 658-7581.

6. Michelle M. De Bord-Ridge, an Individual, is a Real Estate Broker with Carrington Real Estate Services (CA) Inc. located at 3840 El Dorado Hills Blvd, El Dorado Hills, California 95762 in the County of El Dorado, Telephone: (800) 330-2773, Email: michelle.ridge@carringtonres.com, and Ms. Ridge according to the State of California, Bureau of Real Estate (the "CalBRE") she provides 4064 Sayoma Lane, Placerville, California 95667 as her Mailing Address.

7. Debora Horne Snyder, an Individual, is a Real Estate Broker with Snyder Real Estate Group located at 817 Main Street, Martinez, California 94553 in the County of Contra Costa, Telephone: (925) 518-6461, Email: debbisnyder@aol.com.

8. Elizabeth M. Counts, an Individual, is currently on record at the office of the CalBRE as a Real Estate Salesperson with Snyder Real Estate Group located at 817 Main Street, Martinez, California 94553 in the County of Contra Costa, Telephone: (925) 437-1855, Email: emcounts@gmail.com and Ms. Counts according to the CalBRE she provides 1824 Lakewood Drive, Oakley, California 94561 in the County of Contra Costa as her Mailing Address.

9. The Contra Costa County Office Of The Sheriff is a Law Enforcement Agency located at 920 Mellus Street, Martinez, California 94553 in the County of Contra Costa, Telephone: (925) 313-4200, Email: cococivil@so.cccounty.us.

10. Naiman Law Group, Professional Corporation is a California entity located at 4660 La Jolla Village Drive, Suite 850, San Diego, California 92122 in the County of San Diego, Telephone: (858) 224-6800, and according to the State of California, Secretary of State business entity search Randall D. Naiman, Esq. whose address location at 4660 La Jolla Village Drive, Suite 850, San Diego, California 92122 in the County of San Diego, Telephone: (858) 224-6800, Email: randall@naimanlaw.com is designated as Agent for Service of Process.

11. Parker Ibrahim & Berg LLC, a New Jersey Entity, is a Limited Liability Company located at 695 Town Center Drive, 16th Floor, Costa Mesa, California 92626 in Orange County, Telephone: (714) 361-9550, and according to the State of California, Secretary of State business entity search File No.: 2015044103229 is assigned to Parker Ibrahim & Berg LLC whose Agent for Service of Process is John M. Sorich, Esq. located at 695 Town Center Drive, 16th Floor, Costa Mesa, California 92626 in Orange County, Telephone: (714) 361-9550, Email: john.sorich@piblaw.com.

**ATTACHMENT II. B. Basic Jurisdiction and Venue**

This is a Complaint for Civil Rights Violations, and Declaratory and Injunctive Relief sought by Edward C. Tidwell ("Plaintiff"), a Citizen of the United States of America, who as a Self-Represented indigent litigant in appearing In Pro Se.

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 and 42 U.S.C. § 1983. Plaintiff brings this action for violations of his Individual and Associational Rights under the Fifth, Sixth, and Fourteenth Amendments of the Constitutional Laws of the United States of America. Plaintiff alleges violations of 28 U.S.C. § 1343; 42 U.S.C. § 1983 et seq.; 42 U.S.C. § 3601 et seq. (Fair Housing Act Amendments of 1988, "FHAA") (Fair Housing Practices Act); and 42 U.S.C. §§ 12132, 12182, 12203 (Americans with Disabilities Act of 1990, "ADA") (Civil Rights of People with Disabilities Act) as described in Plaintiff's Correspondence dated January 20, 2017 to the United States Bankruptcy Court, Northern District of California-Oakland Division, which a true copy is attached hereto.

Plaintiffs allege deprivation of rights secured by the Due Process and Equal Protection Clauses of the Fourteenth Amendment as protected by 42 U.S.C. § 1983, Plaintiff also alleges the deprivation of rights secured by the Privileges or Immunities Clause of the Fourteenth Amendment as protected by 42 U.S.C. § 1983.

Jurisdiction over Plaintiff's claims (State and Federal) is vested in the United States District Court, Northern District of California by 28 U.S.C. §§ 1331, 1367, 2201, and 2202. Plaintiff alleges violation of his rights secured by Article I, Section 7 of the California Constitution. Therefore, Venue is proper under 28 U.S.C. § 1391(b) on the grounds that some or all of the Defendants' conduct at issue took place in the City of Antioch, County of Contra Costa, and the State of California.

*EDWARD Cotrelle TIDWELL*
*P.O. Box 2911*
*Antioch, California 94531*
*(510) 470-8422*

*Email: edwardctidwell@yahoo.com*

January 20, 2017

*Via U.S. Postal Service Priority Mail*
The Honorable Judge William J. Lafferty
United States Bankruptcy Court,
Northern District of California-Oakland Division
1300 Clay Street, Courtroom 220
Oakland, California 94612

Re: Edward Cotrelle Tidwell v. JPMC Specialty Mortgage LLC fka WM Specialty Mortgage LLC
United States Bankruptcy Court, Northern District of California-Oakland Division
Adversary Proceeding Case No.: 16-04179 (WJL), and
United States District Court, Northern District of California-San Francisco Division
Case No.: TBA

Dear Your Honor:

**COMES NOW** Edward Cotrelle Tidwell ("Plaintiff" and "Appellant") to avoid dismissal of Appellant's *Notice of Appeal and Statement of Election to Have Appeal Reviewed De Novo By The United States District Court, Northern District of California* filed on December 27, 2016 in the above-mentioned Adversary Proceeding ("Adv. Proc."), Appellant respectfully request an extension of time to February 28, 2017 or thereafter and to allow Appellant to file his Supplemental Notice of Appeal, Appellant's Notice Designating Record on Appeal, and to request a true copy of the December 14, 2016 Transcript of Hearing and Audio Recording CD.

The Transcript of Hearing and Audio Recording CD provide sufficient facts the Bankruptcy Court erred in prejudice, and abused its discretionary power and authority to show special favor to JPMC Specialty Mortgage LLC fka WM Specialty Mortgage LLC ("JPMC Specialty" and "Appellee") by granting on December 14, 2016 JPMC Specialty's procedurally defective Order Dismissing Plaintiff's Adversary Proceeding to Determine The Amount of The Allowed Secured Claim of Defendant; and Complaint for Damages the Clerk entered on December 16, 2016 that is attached as Exhibit 1 to the Notice of Appeal and Statement of Election.

The enclosed Electronic Journal Entry (Register of Actions/General Docket) dated December 27, 2016 reflects the Bankruptcy Court knew prior to granting on December 14, 2016 the prejudicial Order that Rafael R. Garcia-Salgado, Esq. as Counsel for JPMC Specialty filed on October 12, 2016 the faulty Joint Stipulation [D.I. 9], in addition, the Bankruptcy Court knew without Appellant's knowledge, and consent or authorization Mr. Salgado falsified then fixed

Appellant's signature to the fraudulent Joint Stipulation [D.I. 10] filed later on in the afternoon of October 12, 2016. The General Docket bears the Bankruptcy Court knew JPMC Specialty failed to file on or before October 13, 2016 an Answer or responsive pleading to the Adv. Proc. and Complaint for Damages (Verified) filed on September 12, 2016, therefore, as mandated pursuant to Federal Rules of Bankruptcy Procedure ("FRBP", Rule 7012, incorporating, Federal Rules of Civil Procedure ("FRCP"), Rule 12, the Clerk filed on November 2, 2016 Plaintiff's Request for Entry of Default [D.I. 12] and Application for Entry of Judgment [D.I. 13].

Plaintiff's Request for Entry of Default [D.I. 12] at ¶6 reflects ""Prior to amendment and filing of the Stipulation [D.I. 10], it is evident Plaintiff had already informed Rafael Ramon Garcia-Salgado, Esq. that "the faulty Joint Stipulation be withdrawn in its entirety"", and that ""Because of your falsity and misrepresentation the request for an extension of time as we've discussed is rejected", in addition, Mr. Salgado was informed at ¶7 of Plaintiff's Request for Entry of Default [D.I. 12] that "under FRBP, Rule 7055 and Federal Rules of Civil Procedure, Rule 55(a) the Clerk must enter default as to JPMC Specialty"".

The Bankruptcy Court overlooked the faulty Joint Stipulations [D.I. 9 and D.I. 10] to show favor to JPMC Specialty, in addition, pursuant to FRBP, Rule 7055, incorporating, FRCP, Rule 55(c), it is evident JPMC Specialty never moved to get the default set aside. The Bankruptcy Court erred in prejudice, and abused its discretionary power and authority in that applicable law mandates since JPMC Specialty was in default on October 13, 2016, and effective November 2, 2016 upon Plaintiff filing his default request, it is established law JPMC Specialty was cut off from appearing and defending this litigation until the default was set aside by stipulation between the parties or on motion.

In response to Plaintiff's default request [D.I. 12] instead of JPMC Specialty moving pursuant to FRCP, Rule 55(c) to get the default set aside, it is obvious the Bankruptcy Court erred in prejudice allowing Mr. Salgado to file respectively on November 10, 2016, and on November 14, 2016 JPMC Specialty's procedurally defective Opposition [D.I. 22], and their defective Motion to Dismiss [D.I. 23], which in response to the faulty Joint Stipulations [D.I. 9 and D.I. 10], and Defendant's Opposition [D.I. 22]; Plaintiff filed on November 16, 2016 Correspondence [D.I. 26], and on November 22, 2016 (the "Objection") Plaintiff's Notice of Deficiency in Objection [D.I. 27] was timely filed.

## GOOD CAUSE FOR THE EXTENSION OF TIME

### Appellant's Medically Disabling Condition

In addition to Appellant receiving treatments and is seen for depression and stress, Appellant was diagnosed in July 2015 with colon cancer (Mass in colon), and on August 13, 2015 he was admitted at the Contra Costa Regional Medial Center (CCRMC) to undergo approximately five 5-hours of surgery. After the November 2015 Colonoscopy and the December 2015 CT Scan the

Hematologist/Oncologist and the Surgeon informed of possible recurrence of cancer, and it was suspected the cancer had spread to Appellant's liver, however, the MRI in late December 2015 ruled out this suspicion.

Appellant was admitted at the CCRMC on January 19, 2016 for Colonoscopy and to undergo another colon cancer surgery on January 20, 2016, which I thank the Lord Jesus Christ that Appellant didn't need chemotherapy or radiation treatments after the August 2015 nor the January 2016 cancer surgery. Appellant enclose copies of correspondence dated August 17, 2015 from Geena Jester, MD of the CCRMC, and correspondence dated respectively on December 18, 2015 and January 11, 2016 from Smriti Shrestha, MD and Irene Lo, MD of the Pittsburg Health Center (PHC).

On May 18, 2015 Caroline Salvador-Moses, Psy.D, saw Appellant at the Northstate Clinic in Antioch, California for complete Psychological Evaluation, and around April 2015 Appellant began treatments at the Psychotherapy Institute of Individual, Family, and Community Development located in Antioch, California. Within the past year Appellant has been seen at the CCRMC and PHC for Depression and Stress and other medical disabling conditions.

Appellant had already provided backup documentation as to his mental, and medical conditions in the Bankruptcy Chapter 7 Case No.: 16-42532 (WJL), therefore, it is evident the Bankruptcy Court, and Mr. Salgado used Appellant's medically disabling conditions to prejudice and place him at disadvantage in the Adv. Proc.

**The Property at Issue**

Established law mandates pursuant to FRBP, Rule 8005, and FRBP, Rule 7065, incorporating, FRCP, Rule 65, Appellant may apply for Stay Pending Appeal, and Injunctive Relief to refrain JPMorgan Chase Bank, N.A. ("Chase Bank"), and its subsidiary JPMC Specialty from causing Appellant further injuries, harm and irreparable damages in their efforts to wrongfully evict Appellant from his property, and lock Appellant out of his home. The Bankruptcy Court's General Docket reflects Appellant filed on October 18, 2016 a Notice of Pendency of Action (Lis Pendens) [D.I. 11], which it is evident effective April 25, 2011 JPMC Specialty has nothing to do with Appellant's property since it was granted and conveyed to Homesales, Inc. ("Homesales").

Enclosed is a copy of Appellant's Enforcement Online Complaint filed on January 9, 2017 with the State of California, Bureau of Real Estate against Carrington Real Estate Services (CA) Inc. ("Carrington"), Michelle M. De Bord-Ridge, Debbie Horne Snyder, Snyder Real Estate Group and Elizabeth M. Counts for their role to fleece me of my home as Chase Bank and JPMC Specialty's Agent and Representatives.

Enclosed is a copy of a Notice of Right To Reclaim Abandoned Personal Property dated January 6, 2017 that shows Ms. Counts as "authorized real estate agent" for JPMC Specialty, however, after Ms. Counts placed Carrington's For Sale sign on my property on January 4, 2017 then fixed a Lockbox to the door of my home, I received an email (copy enclosed) dated January 10, 2017 from Ms. Ridge indicating Carrington never authorized Ms. Counts to place the For Sale sign on my property nor did Carrington give her permission to fix the Lockbox to the door of my home.

Exhibit ("Ex") Page 1-5 and Ex Page 22-24 of the enclosed Enforcement Online Complaint shows Ms. Counts is employed as a Salesperson with Snyder Real Estate Group, however, on January 4, 2017 she deviously placed Carrington's For Sale sign on my property. Please take judicial notice of Ex Page 19 of the Enforcement Online Complaint, and the Carrington's For Sale sign Exhibit A to the enclosed Notice of Right To Reclaim Abandoned Personal Property.

Obviously, Ms. Counts' unfair business practices, false advertisement and her intentional and fraudulent misrepresentations support filing of a new Bankruptcy Chapter 7 for Automatic Stay Relief, and/or a civil action in the United States District Court, Northern District of California, which Appellant shall claim damages under federal unfair housing, and discrimination, violation of his civil rights, invasion of privacy, and relevant causes. Please take judicial notice that Ms. Counts photographed and made public Appellant's prescription medication as shown in Exhibit A to the Notice of Right To Reclaim Abandoned Personal Property.

In addition to Ms. Ridge's email of January 10, 2017, please find enclosed a copy of her email dated December 28, 2014, which together with Ex Page 16-18 of the Enforcement Online Complaint the Contra Costa County Assessor's Property Detail dated January 9, 2017 provides sufficient facts Homesales is the alleged current owner of my property since April 25, 2011.

The Bankruptcy Court knew Appellant's pleadings filed on September 30, 2016 in the Chapter 7 Case No.: 16-42532 (WJL) that prior to the October 12, 2016 hearing on JPMC Specialty's Motion for Relief From Automatic Stay that Appellant successfully carried his burden of proof JPMC Specialty didn't have any beneficial interest in Appellant's property, nevertheless, the Bankruptcy Court erred in prejudice, and abused its discretionary power and authority granting the October 12, 2016 Order in the Chapter 7 Case No.: 16-42532 (WJL) to show special favor to JPMC Specialty instead of justly ruling based on the evidentiary facts.

The Chapter 7 Case and the Adv. Proc. bear witness the Bankruptcy Court knew it erred in prejudice, and abused its discretionary authority in the particulars mentioned herein in that consistent with Ms. Ridge's email dated December 28, 2014, and the relevant evidence attached to the enclosed Enforcement Online Complaint that Homesales alleged to be the current owner of Appellant's property instead of JPMC Specialty, which is evident as shown in the Adv. Proc. filed on September 12, 2016, the Notice of Pendency of Action [Lis Pendens] [D.I. 11], the Objection [D.I. 27] filed on November 22, 2016, and Plaintiff's Supplemental Objection [D.I. 29] filed on November 23, 2016.

**Court Appointed Counsel Pursuant to 28 U.S.C. § 1915**

As provided pursuant to 28 U.S.C. § 1915, Plaintiff requested in the Adv. Proc. that the Bankruptcy Court exercise its discretionary authority to appoint Counsel to represent Appellant, however, Appellant's request was denied on October 12, 2016 in the Chapter 7 Case, and during the December 14, 2016 hearing of the Adv. Proc.

Appellant is an indigent self-represented litigant in need of Counsel. Appellant exercise his legal rights and privileges under the Fifth Amendment, the Sixth Amendment and the Fourteenth Amendment of the Constitutional Laws of the United States of America *"holding that the assistance of counsel, if desired by a defendant who could not afford to hire counsel, was a fundamental right under the United States Constitution, binding on the states, and essential for a fair trial and due process of law"*.

The Bankruptcy Court may take judicial notice of Appellant's economic poverty in the Affidavit Accompanying Motion for In Forma Pauperis Status for the Appointment of Counsel filed in the United States District Court, Northern District of California-San Francisco Division Case No.: 16-cv-06149 (WHA).

Incidentally, the December 14, 2016 Transcript of Hearing and the Audio Recording bear witness Your Honor doesn't even recall reviewing Plaintiff's request to be appointed Counsel, nevertheless, the Bankruptcy Court prejudicially denied Plaintiff's request without consideration.

**Appellant's Request for Default, Entry of Default and Application for Entry of Judgment**

Pursuant to FRBP, Rule 7007.1, incorporating, FRCP, Rule 7.1, the Bankruptcy Court knew it erred in prejudice, and abused its discretionary power and authority in that JPMC Specialty failed to file its Corporate Disclosure Statement, and related documents with their "first appearance, pleadings" the faulty Joint Stipulation and Defendant's Opposition.

Appellant reiterates here that in the Adv. Proc. the Bankruptcy Court's own General Docket reflects the faulty Joint Stipulation [D.I. 9 and D.I. 10]; the Notice of Pendency of Action [Lis Pendens] [D.I. 11]; Plaintiff's Request for Default [D.I. 12]; the Application for Judgment By Default [D.I. 13], and the Objection [D.I. 27] provide sufficient evidence the Bankruptcy Court knew JPMC Specialty failed to file an Answer or responsive pleading to the Adv. Proc., in addition, the December 14, 2016 Transcript of Hearing and the Audio Recording bear witness the Bankruptcy Court erred in prejudice, and abused its discretionary power and authority in that Appellant was belittled and threatened by Your Honor's unethical behavior, and prejudicial outburst vented at the conclusion of the hearing.

The Objection [D.I. 27] and Plaintiff's Supplemental Objection [D.I. 29] filed on November 23, 2016 were timely submitted for processing, and entering into the record, however, as reflected in the Transcript Hearing during the November 30, 2016 Status Conference hearing Your Honor sought to take advantage of Appellant's medically disabling conditions in that he attempted to trick Appellant into believing JPMC Specialty's procedurally defective Motion to Dismiss [D.I. 23] filed on November 14, 2016 had gone fourteen 14-days unopposed by Appellant.

Obviously, Appellant timely filed the Objection [D.I. 27], and his Supplemental Objection [D.I. 29] that bears Appellant successfully carried his burden proof against the faulty Joint Stipulation [D.I. 9 and D.I. 10], Defendant's Opposition [D.I. 22], JPMC Specialty's Motion to Dismiss [D.I. 23], which it is evident Appellant never entered into a Joint Stipulation with JPMorgan Chase & Co. ("Chase") or Chase Bank. Furthermore, Appellant successfully carried his burden of proof in the Objection [D.I. 27], and his Supplemental Objection [D.I. 29] that Chase nor Chase Bank weren't named in the Adv. Proc.

**Conclusion**

Based on the facts mentioned herein, it is evident Appellant's request for extension time to February 28, 2017 or thereafter is just cause to grant the continuance needed to file his Supplemental Notice of Appeal, Appellant's Notice Designating Record on Appeal, and to request a true copy of the Status Conference hearing held on November 30, 2016, and the December 14, 2016 Transcript of Hearing and Audio Recording CD, which established law permit Appellant to use as evidence.

Alternatively, if the Bankruptcy Court refuse Appellant's request then Appellant apply to the United States District Court, Northern District of California-San Francisco Division for said order granting the extension of time, Stay Pending Appeal, and Injunctive Relief.

Respectfully submitted,

Edward Cotrell Tidwell

Edward Cotrelle Tidwell

Cc: *Via U.S. Postal Service Priority Mail and Email (only)*
See Certificate of Service

Enclosures:

1

# General Docket dated December 27, 2016

2

# Correspondence Re Appellant's Medical Condition

# Enforcement Online Complaint filed on January 9, 2017

4

# Notice of Right To Reclaim Abandoned Personal Property dated January 6, 2017

5

# Email dated January 10, 2017 from Michelle M. De Bord-Ridge

6

# Email dated December 28, 2014 from Michelle M. De Bord-Ridge

EDWARD COTRELLE TIDWELL
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Plaintiff and Appellant In Pro Se

## UNITED STATES BANKRUPTCY COURT,
## NORTHERN DISTRICT OF CALIFORNIA-OAKLAND DIVISION

| | |
|---|---|
| In Re:<br><br>Edward Cotrelle Tidwell<br><br>Debtor. | Bankruptcy Chapter 7<br>Case No.: 16-42532 (WJL) |
| Edward Cotrelle Tidwell,<br><br>Plaintiff and Appellant.<br><br>v.<br><br>JPMC Specialty Mortgage LLC fka<br>WM Specialty Mortgage LLC<br><br>Defendant and Appellee. | **Adversary Proceeding**<br>**Case No.: 16-04179 (WJL)**<br><br>**CERTIFICATE OF SERVICE** |

# CERTIFICATE OF SERVICE

*United States Bankruptcy Court, Northern District of California-Oakland Division*
*Edward Cotrelle Tidwell v. JPMC Specialty Mortgage LLC fka WM Specialty Mortgage LLC*
*Adversary Proceeding Case No.: 16-04179 (WJL)*

I, the undersigned, declare: I am over the age of 18 years, a party to this action, and that my mailing address is P.O. Box 2911, Antioch, California 94531.

On January 21, 2017, I served the following document:

**CORRESPONDENCE OF EDWARD COTRELLE TIDWELL DATED JANUARY 20, 2017 TO THE HONORABLE JUDGE WILLIAM J. LAFFERTY**

On the Parties or their Attorneys of Record addressed as follows:

***Via U.S. Postal Service Priority Mail***
United States District Court,
Northern District of California-San Francisco Division
Phillip Burton Federal Building
450 Golden Gate Avenue, 16th Floor
San Francisco, California 94102

***Via Email randall@naiimanlaw.com (only)***
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Attorneys for Defendant
JPMC Specialty Mortgage LLC fka
WM Specialty Mortgage LLC

***Via Email bryant.delgadillo@piblaw.com and rafael.garcia@piblaw.com (only)***
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Attorneys for Defendant
JPMC Specialty Mortgage LLC fka
WM Specialty Mortgage LLC

_X_ **VIA EMAIL:** I sent a true copy of said document ***w/o enclosures*** to the Parties or their Attorneys of Record.

_X_ **VIA MAIL:** I placed a true copy of said document ***with enclosures*** in a sealed envelope with postage fully prepaid for proper handling by the United States Postal Service Clerk.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 21st day of January 2017 in Antioch, California.

[signature]
Edward Cotrelle Tidwell